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For the more
E A S Y,
A N D
Speedy Securing,
A N D
R E C O V E R Y
O F
S M A L L D E B T S.



D U B L I N:

Printed by *Andrew Crook*, Printer to the King's
Most Excellent Majesty, on *Cork-Hill*, near
Copper-Alley. M DC XC VII.

An ACT for the more
Easie, and Speedy Securing, and
Recovery of Small Debts.

CHAP. LX.

WHEREAS nothing would conduce more to the Advancement of Trade, Commerce, and Industry in this Kingdom, then that an Easie, and Summary Way, for the Recovery, and Securing of Small Debts, might be found, whereby an Universal Credit, might be Established among the Trading people of this Realm, without the necessity of Tedious, and Costly Sutes of Law. May it therefore please your Majesty, that it may be Enacted.

And be it Enacted by the King's Most Excellent Majesty; by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same; That in every County, and every County of a City, and County of a Town, in this Kingdom of Ireland; some person before the First Day of February, in this present year of Our Lord, One thousand Six hundred Ninety seven, be appointed by His Majesty, or by the Lord Lieutenant, Lord Deputy, Lord Justice, or Lords Justices, or other Chief Governour or Governours of this Kingdom, for the time being, to be Register

gister in each County, or County of a City, or County of a Town; which said person so Appointed, shall be a Resident, or Inhabitant, for the most part, in such County respectively, wherein he shall be, as herein-after Employed, and shall enter into Recognizance of Five hundred pounds Sterling, before some one of the Judges of either Bench, or Barons of his Majesty's Court of Exchequer, or before the Justices of the Peace, at the next Quarter Sessions, to be holden for the said County, for the due Execution of his Office; Which said Recognizance, shall be filed of Record, in his Majesty's Court of Exchequer in this Kingdom, some time before the last Day of the Ensuing Term, after such Recognizance shall be acknowledged: And that every such Register, of any such County, as aforesaid, shall, and may, by the Authority of this Act, have Power to Appoint One, or more Deputy, or Deputies, to Officiate under him in such County respectively.

And be it further Enacted by the Authority aforesaid, That every such Register, and Deputy or Deputies, before he, or they, shall take upon him, or them respectively, the Execution of the said Office, shall take the following Oath, before some One, or more of the Justices of the Peace of the said County, or County of a City, or County of a Town, or before the Chief Magistrate of such Town, or Corporation, or his Deputy, where such Register shall keep his Office, (viz.)

I A. B. do Swear, that I will according to the best of my Skill and Cunning, duly and faithfully ^{execute} the Office of Register (or Deputy Register) in this County, according to an Act of Parliament, Intituled, *An Act for the more Easy and Speedy Securing, and Recovery of Small Debts*, and that I will not Directly, nor Indirectly, demand, take, or receive any manner of Fee, Reward, or Gratuity, by reason, or Colour of my Office, other then such Fees as are allowed by the said Act.

So help me God,

And shall then likewise take the Oaths, and Subscribe the Declaration mentioned and contained in an Act of Parliament, made in England, in the Third Year of the Reign of His present Majesty, and the late Queen Mary, Intituled, *An Act for the Abrogating the Oath of Supremacy in Ireland, and Appointing other Oaths; Which said Oath of Office, and other Oaths, and Declaration, the said Justice or Justices of the Peace or other Chief Magistrate of such Town or Corporation, or his Deputy, are hereby Authorized, Impowered and Required to Administer.* And further, that every such Register, Deputy, or Deputies aforesaid, upon the Pain, Penalty, and Forfeiture of his, or their respective Office or Offices, shall take the aforesaid Oath of Office, and the aforesaid Oaths, and Subscribe the Declaration, at the next Quarter-Sessions, or the next Assizes to be holden for the said County, or County of a City, or County of a Town, which shall first happen in Open Court, between the hours of Nine and Twelve, in the Morning; which

B

said

said Oaths respectively, and Declaration, the said Judges of Assize, or Justices of the Peace at their respective Sessions, are hereby Authorized, Impowered and Required to Administer.

And be it further Enacted by the Authority aforesaid, That from and after the said First day of February next, every person and persons having any Bond or Bill, under Hand and Seal, for any Summ or Summs of Money, not exceeding Ten pounds, principal Money, which said Bond, or Bill, being acknowledged before any person who is a Justice of the Peace in this Kingdom, or before the Chief Magistrate of any Town Corporate, and such Justice of the Peace, or Chief Magistrate, or his Deputy, Certifying such Acknowledgment, which acknowledgment, every Justice of the Peace of this Kingdom, and every Chief Magistrate of any Town Corporate, or his Deputy, are by the Authority of this Act, Impowered and Required to take, and Certificate under their respective Hands and Seals, to make, and deliver, to the party and parties interested in such Bond, or Bonds, Bill, or Bills, which Certificate and Bond, or Bill, being brought to the Register, or his Deputy, of such County, County of a City, or County of a Town, wherein such person is a Justice of the Peace, or Chief Magistrate of a Town Corporate, or his Deputy, such Register, or his Deputy, or Deputies, or one of them, shall in a Book to be kept for that purpose, make an Entry of the said Bond, or Bill, and Acknowledgment, at large, as also the Receipts and Trans-

Transfers, thereon endorsed, if any be, and from, and after such Entry, the person or persons who perfected the same, his and their Goods and Chattels personal, shall be thereby Bound and Liable to the said Debt and Interest, from the day of Payment, in like manner, as if the same had been a Judgment at Law.

And to the end there may be no Mistakes or Controversies, for, or concerning the said Bonds, or Bills, in relation to the Wording thereof.

Be it further Enacted by the Authority aforesaid, That all such Bonds or Bills as shall be Registered in pursuance of this Act, shall be Printed and Stamped with His Majesty's Arms, and be in the Form following; That is to say.

K NOW all men by these presents, that
 of in the County of do
 Acknowledge my self to stand justly Indebted
 unto of in the County of
 in the Full and Just Summ of
 pounds *Sterling*, to be paid to the said
 His Executors, Administrators, or
 Assigns, at, or before the day of
 to the which payment, I Bind my self, my Heirs,
 Executors and Administrators; and in default of
 Payment thereof, I do consent, that Execution
 shall Issue against my Body, Goods and Chat-
 tles personal: Witness my Hand and Seal, this
 day of

And

And in Case that there be Two or more persons Bound in the said Bond, the said Printed Bond shall be Printed and made so, as to comprehend them, and to Bind them Joyntly, and severally. And to the end, Forged and Counterfeit Bonds, or Bills, may be prevented, and the Subjects of this Land, sufficiently provided with the said Bonds, or Bills so Printed and Stamped, at Easy and Moderate Rates.

Be it Enacted by the Authority aforesaid, That every Register of any County, or County of a City, or County of a Town, shall provide in every Market-Town, within their respective Limits and Precincts, a sufficient quantity of such Blank Bonds, or Bills for Sale, Stamped with the King's Arms, and the name of the County, whereof such person shall be Register. And that no person or persons whatsoever, shall Expole to Sale in any such Market-Town, as aforesaid, any Stamped Printed Bonds, or Bills, other then such as shall be Stamped by the said Register, or his Deputy, or Deputies, upon the penalty of Forfeiting Ten pounds for each Offence, to such Register, to be Recovered by such Register, thereby Injured, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin shall be Allowed, or more then one Imparllance.

Provided always, And be it further Enacted, and Declared by the Authority aforesaid; That no person or persons, shall be obliged to pay more then one penny for each of such Bonds or Bills.

And be it further Enacted by the Authority aforesaid; That the Words used by the party or parties, Transferring of the said Bonds
or

or Bills, shall be these, or to the like Effect following; That is to say,

I A. B. do Transfer this Bill to C. D. as Witness my Hand, this day of
Anno Domini

And in Case there be Two or more Obligees, then the said Transferrer shall be in their Names, with proper Words to the Effect and Purport aforesaid, *Mutatis Mutandis*.

And be it further Enacted by the Authority aforesaid, That if any person or persons, stand Indebted by such Bond or Bill, Acknowledged and Entred, as aforesaid, and shall refuse to pay such Debt or Debts, at the time the same shall become Due and Payable; Or at any time afterwards, such Creditor or Creditors, making Oath, that the Money Due thereon, hath been Demanded, and the Bond or Bill, Tended to the party or parties Indebted, his, or their Executors, or Administrators, at his, or their, place or places of Abode, or Residence, the said Oath to be made before the Justices of the Peace, at the Quarter Sessions, to be holden for the County, County of a City, or County of a Town, where the said Bond, or Bill, is Entred in open Court, between the Hours of Nine and Twelve in the Morning; Which Oath, the said Justices of the Peace, are hereby Impowered, and Required to Administer; and which Oath, the said Register, or his Deputy, are Required to Receive and Enter; then the said Register, or his Deputy, at the same Quarter-Sessions of the Peace, or at any other Quarter-Sessions to be

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be holden for the said County, at any time within One Year after the said Money shall become due, and payable, upon the Delibery to him, the said Register, or his Deputy of the said Bond, or Bill, shall Issue a Warrant of Execution, under his Hand, and Seal of Office, Directed to all and every the High-Sheriffs, Coroners, Bailiffs, Seneschals, Stewards, and High-Constables of this Kingdom, against the person or persons, his or their Executors, or Administrators Owning the said Money, or his and their Goods and Chattles personal, for the Recovery, and Levying of the said Money, together with the Interest which shall then be Due; as also the Costs and Fees, for Entring of the said Bond or Bill, and for the Warrant of Execution, and other Fees, according to the Directions and Limitations, herein-after mentioned and expessed.

And to the end, all Disputes and Controversies, for, and concerning the Payment, and Discharge of such Debt or Debts, for, or on Account of such Bonds or Bills, may be prevented.

Be it further Enacted by the Authority aforesaid, That no Payment or Payments, shall be Esteemed, Valid, for, or on Account of such Bonds or Bills, unless the same be Entred on the back of the said Bond or Bill, by the party or parties, Interested therein, at the time of Entring of such Payment or Payments.

And be it further Enacted by the Authority aforesaid, That the Sheriffs, Coroners, Bailiffs, Seneschals, Stewards, and High-Constables, who shall have the Execution of the said Warrants, in their respective Counties, County
of

of a City, or County of a Town, Precincts, and Liberties, shall have full Power and Authority, upon the Delivery of such Warrant or Warrants, to them respectively; and are accordingly hereby required to Arrest, and take the Body or Bodies, of the Person or Persons, against whom the said Warrants of Execution shall Issue, if so be the Party or Parties, Plaintiff or Plaintiffs, his, or their Servant, or Agent, shall desire the same: And in Case any Person or Persons, at such desire, shall be so Arrested or Taken, by any of the aforesaid Officers, appointed by this Act, who have not the Custody, or Keeping of Prisoners upon Execution, out of His Majesty's four Courts, that then the Person or Persons so taken, shall be Delivered to the Plaintiff, or his Servant, or Agent, to be carryed, and conveyed to the Sheriff, or other Officer, having the Custody of the Goal of the said County, where the said Person or Persons shall be so Taken, at the Charge and Peril of the said Plaintiff; Which is hereby required to Receive and Keep, him or them, in safe Custody; Which said Sheriff, or other Officer, having the Custody of the said Goal, shall be chargable with the said Debtor or Debtors, in like manner, as if such Debtor or Debtors, had been taken upon a Capias ad Satisfaciendum, upon a Judgment at Common Law.

And be it further Enacted by the Authority aforesaid, That the said several Sheriffs, Coroners, Bailiffs, Seneschals, Stewards, and High-Constables in their respective Limits and Precincts, shall by the Authority of this Act, have full Power and Authority

thority upon such Warrant of Execution, against any person or persons Goods, at the desire of the party, or parties, Plaintiff, or Plaintiffs, his, or their Agent or Servant, to Seize and take the said person, or persons, Goods, and Chattles personal, in Execution, and the same to Appraise by the Appraisers of the Parish, or Barony, where the same shall be so taken or Seized, and shall give the Debtor, or Debtors if so be he, or they may be found, the First Refusal of the said Goods and Chattles personal, at the Appraised Rate; which if the said Debtor, or Debtors, shall refuse, or neglect to pay within Ten days after such Appraisement, then the said Goods and Chattles personal, shall be sold and delivered to the Plaintiff, his Servant, or Agent, he, or they paying according to the Appraised Values, to the party or parties Interested, whatsoever Summ or Summs of Money the same shall amount unto, over and above the said Principal Debt, Interest, and Costs, according to the true intent and meaning of this Act, and for which, the said Warrant of Execution, shall be a sufficient Authority to the said Sheriff, Coroner, Bailiff, Seneschal, Steward, and High-Constable, and to every, or any of them, and that the said Sheriff, Coroner Bailiff, Seneschal, Steward, or High-Constable, shall make return thereon, in what manner the said Warrant was Executed, to the Register of the County, or his Deputy, or Deputies, from whence the said Warrant of Execution Issue, at, or before the next Quarter-Sessions of the Peace, to be holden for the said County, after such Execution Executed; which Warrant of Execution, with the Return



Return thereof, shall be read in the open Court, and there Filed, and kept by the said Register, or his Deputy, and in case the Sheriff, or any other Officer, as aforesaid, appointed by this Act, shall on any such Warrant of Execution, take any person or persons, or his, or their Goods, or Chattels personal, in pursuance, or by Colour of this Act, and shall refuse, or neglect to execute, or make return of such Warrant of Execution in reasonable time, after the delivery thereof, and according to the Direction of this Act, upon reasonable demand made by the Plaintiff or Plaintiffs, his, or their Servant, or Agent, that then such Sheriff, or other Officer, as aforesaid, refusing, or neglecting so to do, shall be lyable to an Action on the Case, at the Suite of the said Plaintiff, or Plaintiffs, his, or their Executors, or Administrators, in like manner, as if the same had been an Execution, Executed on any Judgment at Law, either upon the Body, or Goods; and shall pay Treble Costs, in case Judgment shall pass for such Plaintiff, or Plaintiffs, his, or their Executors or Administrators.

Provided always, and be it further Enacted and Declared, by the Authority aforesaid, That all and every person, or persons, Plaintiff, or Plaintiffs in every such Warrant of Execution, shall from time to time, and at all times before such Execution, made and Executed, be at full Power and Liberty to make his Election or Choice, whether he will have the Body or Bodies, or Goods personal, taken in Execution, of the party, or parties, Defendant on such Warrant of Execution, as aforesaid; And that the said Sheriff, Coroner, Baliff,
D Seneschal,

Seneschal, Steward, and High-Constable, and every of them, shall pursue the Direction of the Plaintiff, or Plaintiffs, his, or their Servant, or Agent therein; and in Case the Plaintiff, or Plaintiffs, his or their Servant, or Agent, shall procure the said Defendants Body to be taken in Execution, then no further Execution on the Defendants Goods, shall be during the continuance of the said Defendants Imprisonment; or in Case the Plaintiff, or Plaintiffs, his or their Servant, or Agent, shall procure such Defendants Goods and Chattles personal, to be taken in Execution, which on Appraisalment shall appear to be sufficient to answer the said Complainants Debt, Principal, Interest, and the Costs herein-after allowed; that then, no Execution shall be made on the said Defendants person, any thing herein contained to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That it shall, and may be Lawful, to, and for such person or persons, to whom any Money shall be Due, or Owning by such Bond or Bill, upon the back of such Bond, or Bill, in manner, as is aforesaid directed to Transfer, or Assign the Money so Due and Owning, together, with the Interest then accrued, or to accrue, and the Costs paid in pursuance, or according to the Direction of this Act, to any other person or persons whatsoever; and the same so Assigned, or Transferred, such Assignee or Assignes, his, or their Executors, or Administrators, shall have the Entire, and sole Right, Interest, and Property in the said Bond or Bill, together with the Money, Principal, Interest, and Costs due thereon,
 Exclusively

Exclusively of any Right, Property, or Interest of any other person or persons, his, or their Executors, or Administrators, to Whom the same was formerly Entred into, or Transferred, or Assigned, and that no Release, or Discharge of any such former Proprietor, after such Assignment, or Transferring, as aforesaid, shall any way operate to the Prejudice, or Damage of the party or parties, to Whom the same shall be, as aforesaid, Assigned, or Transferred; but that the Assignee or Transferee, Assignee or Transferee's, his, or their Executors, Administrators, or Assignees, who have, or hath the Right, or Interest in the said Bond or Bill, shall have the Warrant of Execution in his, or their own Name or Names, in as large, ample and beneficial manner, as if the said Bond or Bill, had been at first made to him or them; any Law, or Custom to the contrary notwithstanding.

Provided always, That the Transferring, or Assigning of such Bond or Bill, shall not any way Extend, or be Construed to Extend, to oblige the person or persons, or Goods and Chattles of the party, or parties so Transferring, any thing in this Act, or any other Custom or Law, to the contrary hereof in anywise notwithstanding.

And be it further Enacted by the Authority aforesaid, That in case any person or persons, shall presume to Forge, or Counterfeit any Justice of the Peace's Hand or Seal, to any such Bond or Bill, or the Hand and Seal, of Office, of any such Register, or his Deputy or Deputies, to any such Warrant of Execution, or to any Indorsements, by such Register, or his Deputy

Deputy, or Deputies made, Certifying that such Bond, or Bill, was Registered according to, or in Pursuance of this Act, such person or persons so Offending, and thereof duly Convict, shall suffer such Pains, Penalties and Forfeitures, as a Felon, without Benefit of Clergy.

And for the better preventing of all Partial, and Unfair Practises, by any Sheriff, Coroner, Bailiff, Seneschal, Steward, or High-Constable, in the Execution of this Act, or any part thereof.

Be it Enacted by the Authority aforesaid, That it shall, and may be lawful, to and for the Justices of Assize in their several Circuits, and Ridings, at their General Assizes, and to, and for the Justices of the Peace, at their General Quarter-Sessions, in their respective Counties, where such Partial, or Unfair Practices, shall be by them, or any of them committed, or done: and they are respectively hereby required, upon complaint thereof, to cause the party or parties Offending, as aforesaid to be thereof Indicted; and in case the party Offending, shall not submit, he shall be with all reasonable speed Tried, and if Verdict shall pass against him, or in case he shall submit, that then the Judge, or Judges of Assize, or Justices of the Peace, or Major part of them, shall, and may, by the Authority of this Act, and are hereby required to lay such Fine as to them respectively shall seem meet, and reasonable, not exceeding Ten pounds, the same to be Levied within Thirty days after such Fine Imposed by Warrant of the said Court respectively, where the said complaint shall be made, upon the Goods of the person so Offending, and Convict, as aforesaid, without further Appeal, or Sute, in Law or Equity.

Provided

Provided always, That in Case the person so Offending, shall within the said Thirty days, make Satisfaction to the party or parties grieved, and shall procure his, or their Certificate, under his, or their Hands and Seals, to that Effect and Purpose, to the Clerk of the Crown, or Clerk of the Peace, respectively Directed, who is to Issue such Warrant, as aforesaid; that then, and in such Case, the said Clerk of the Crown, or Clerk of the Peace, respectively Directed, who is to Issue such Warrant, as aforesaid; that then, and in such Case, the said Clerk of the Crown, or Clerk of the Peace respectively, are hereby required to make stay of such Warrants, till the next Assizes, or next Quarter-Sessions respectively; at which time it shall, and may be lawful, to, and for the Judge or Judges of Assize, or Justices of the Peace, or major part of them, upon application to them respectively, at their General Assizes, or General Quarter-Sessions in open Court, the party or parties injured, being first satisfied, as aforesaid, to reduce such Fine or Fines, according to his, or their respective Discretion or Discretions.

And be it further Enacted by the Authority aforesaid, That in Case any person or persons, as aforesaid, Taken in Execution by any such Warrant of Execution in pursuance of this Act, shall Dye in Execution, the Debt shall not be Discharged thereby, but be lyable to be Levied, and Raised in manner as aforesaid, by Warrant of Execution, upon his, or their Goods and Chattles personal, Wherever they may be found in this Kingdom. And to the end, Extortion, or Extortion of Fees for, or concerning the Execution of this Act, may be prevented.

Be it further Enacted by the Authority aforesaid, That the Register's Fees, for Entering the said Bond or Bill, and Certifying the same, shall be Six pence, and no more; And for Issuing a Warrant of Execution, One Shilling, and no more; And for Entering of a Discharge of the said Bond or Bill, Three pence, and no more; And for Entering each Transfer, if desired, Two pence and no more; And that the Fees of the said Sheriff, Coroner, Bailiff Seneschal, Steward, or High-Constable, for the taking of the said Obligor, or for taking of his Goods and Chattles on the said Warrant of Execution, shall be One Shilling, and no more; and to the Appraiser, or Appraisers of such Goods and Chattles personal, Six pence in the pound, and no more; And to such Officer, or Officers, to whom the Custody of the said person in Execution shall be Committed, Six pence in the pound, and no more.

And be it further Enacted by the Authority aforesaid, That in Case any person or persons, shall corruptly take, or make any False Oath, or Suborn, or Procure any person or persons, corruptly to make such False Oath, for any matter, or thing relating to this Act, such person or persons, corruptly making such False Oath, or procuring such False Oath, corruptly to be made, being thereof Lawfully Convict, shall for every such Offence, Incure and Suffer, such, and the like pains and penalties, as are mentioned and prescribed, to be inflicted on persons Offending in Cases of Perjury, and Subornation, by one Act made in this Kingdom, in the Eighteenth year of the Reign of the late Queen Elizabeth of ever Glorious Memory, Intituled, An Act concerning willful Perjury.

And

And for preventing of the Abuses or Irregular Proceedings which may be otherwise committed or done by Registers, or their Deputies in the Execution of this Act.

Be it Enacted by the Authority aforesaid, That every Register, or his Deputy, or Deputies, of any County, or County of a City, or County of a Town, within this Kingdom, shall, and are hereby required, to deliver to the Clerk of the Peace, at every Quarter-Sessions, and to the Justice of the Peace, who is Chairman at such Quarter-Sessions, and to each of them, a Book fairly drawn, and Signed by such Register, or his Deputy, which shall be a true Copy of all Entries made since the former Sessions; in which Books, the said Clerk of the Peace, and Justice of the Peace, shall enter respectively, such Rules, Orders, and Proceedings, as shall be made at that Quarter-Sessions, and in open Court, shall cause the said Register to read over his Book, comparing it with the said Clerk of the Peace's Book, and the said Justice's Book, and making them all to agree; which being done, the said Justice of the Peace, Register, or his Deputy, and the Clerk of the Peace, shall all of them in open Court, in the presence of the Justices, composing the said Court, Sign their respective Names in each Book, and then the said Justices of the Peace, shall keep one of them, the Register another, and the Clerk of the Peace the third, which said Books, or two of them at least, shall be from Session to Session, brought into Court by the respective persons aforesaid.

FINIS.